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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 CONOR JAMES HARRIS,

8 Petitioner,

9 v.

10 BRIAN WILLIAMS,

11 Respondent.
12

Case No.: 2:19-cv-01180-KJD-EJY

ORDER

13 On October 19, 2019, this court granted petitioner Harris's motion for appointment of
14 counsel and appointed the Federal Public Defender (FPD) to represent him in this proceeding
15 under 28 U.S.C. § 2254. ECF No. 9. Because counsel for both parties have appeared (ECF Nos.
16 10/11), the court now issues the following scheduling order:

17 **Amended Petition.** If petitioner wishes to file an amended petition in this action, he must
18 do so within **45 days** of date this order is entered. The amended petition must state whether each
19 ground for relief has been exhausted in state court. For each claim that has been exhausted, the
20 amended petition must state how, when, and where that occurred.

21 **Response to Petition.** Respondents will have **60 days** from receipt of the amended
22 petition (or from the expiry of the period for filing an amended petition if none is filed) to file
23 and serve an answer or other response to the amended petition.

1 **Reply.** Petitioner will have **45 days** following service of an answer to file and serve a
2 reply. Respondents will then have **30 days** from receipt of the reply to file and serve a response
3 to the reply.

4 **Briefing of Motion to Dismiss.** If respondents file a motion to dismiss, petitioner will
5 have **60 days** following service of the motion to file and serve a response to the motion.
6 Respondents will then have **30 days** following service of the response to file and serve a reply.

7 **Discovery.** If petitioner wishes to move for leave to conduct discovery, he must file and
8 serve that motion concurrently with, but separately from, the response to respondents' motion to
9 dismiss or the reply to respondents' answer. Any motion for leave to conduct discovery filed by
10 petitioner before that time may be considered premature, and it may be denied without prejudice
11 on that basis. Respondents' response to any motion for leave to conduct discovery must be filed
12 concurrently with, but separately from, their reply in support of their motion to dismiss or their
13 response to petitioner's reply. Petitioner will then have **20 days** to file and serve a reply in
14 support of his discovery motion.

15 **Evidentiary Hearing.** If petitioner wishes to request an evidentiary hearing, he must file
16 and serve a motion for an evidentiary hearing concurrently with, but separately from, the
17 response to respondents' motion to dismiss or the reply to respondents' answer. Any motion for
18 an evidentiary hearing filed by petitioner before that time may be considered premature, and it
19 may be denied without prejudice on that basis. The motion for an evidentiary hearing must
20 specifically address why an evidentiary hearing is required and must meet the requirements of 28
21 U.S.C. § 2254(e). The motion must state whether an evidentiary hearing was held in state court,
22 and, if so, identify where the transcript is located in the record. If petitioner files a motion for an
23 evidentiary hearing, respondents' response to that motion must be filed concurrently with, but

1 separately from, their reply in support of their motion to dismiss or their response to petitioner's
2 reply. Petitioner will then have **20 days** to file and serve a reply in support of the motion for an
3 evidentiary hearing.

4 **IT IS SO ORDERED.**

5 Dated: November 5, 2019



UNITED STATES DISTRICT JUDGE